

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Torok, et al.

Serial No. 09/758,978

Filed: January 12, 2001

For: System for Identifying Premature Rupture of
Membrane During Pregnancy

Art Unit: 3736

Examiner: Robert L. Nasser

Atty. Docket: 149801.15001

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**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION UNDER 37 C.F.R. § 1.321(b)**

Honorable Commissioner of
Patents and Trademarks
Box Fee Amendment
Washington, D.C. 20231

Sir:

I, Thomas T. Moga, Attorney with Powell, Goldstein, Frazer and Murphy, Reg. No. 34,881, residing at 1001 Pennsylvania Ave., N.W., Washington, DC 20004 represent that I am a representative authorized to sign on behalf of the assignee of the above-captioned patent application, Horizons Health Products For Women, LLC at 960 West 11 Mile Road, Berkley, Michigan 48072.

Establishing Right of Assignee to Take Action Under 37 C.F.R. § 3.73(b)

A Certificate Under 37 C.F.R. § 3.73(b) establishing the right to act on behalf of the assignee, with regard to the above-identified application is being filed herewith.

Disclaimer

Thomas T. Moga, hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration of (1) any patent

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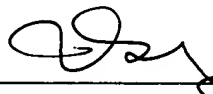
granted on its co-owned pending Application Serial No. 09/793,722 and (2) co-owned Patent No. 6,126,597, hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period as legal title to said patent is the same as legal title to (1) any patent granted on Application Serial No. 09/793,722 and (2) Patent No. 6,126,597, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of (1) any patent granted on Application Serial No. 09/793,722 and (2) Patent No. 6,126,597, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by terminal disclaimer, except for the separation of legal title stated above.

This disclaimer is accompanied by the fee set forth in 37 C.F.R. § 1.20(d) and is authorized to be charged to our Deposit Account No. 50-1682. A duplicate of this Terminal Disclaimer is enclosed.

Respectfully submitted,

Date: 25 October 02

By: 
Thomas M. Moga, Reg. No. 34,881
Attorney for the Applicants

POWELL, GOLDSTEIN, FRAZER & MURPHY LLP
P.O. Box 97223
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Atty. Docket: 149801.15001

STATEMENT UNDER 37 CFR 3.73(b)

Honorable Commissioner of
Patents and Trademarks
Box Fee Amendment
Washington, D.C. 20231

Sir:

Horizon Health Products for Women, LLC, states that it is the assignee of the entire right, title, and interest in U.S. patent application 09/758,978, filed January 12, 2001; U.S. patent application 09/793,722, filed December 20, 2001 and U.S. patent no. 6,126,597, issued October 3, 2000, identified above by virtue of an assignment from the inventors of the patent applications and patent identified above.

The assignments were recorded in the United States Patent and Trademark Office as follows:

Application 09/758,978 Reel #011735, Frame #0428

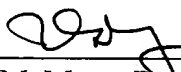
Application 09/793,722 Reel #011950, Frame #0646

Patent 6,126,597 Reel #012330, Frame #0795

If Applicants have overlooked the payment of any necessary fees, or if an overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account No. 50-1682. A duplicate copy of this Statement is enclosed for this purpose. The undersigned is authorized to act on behalf of the assignee.

Respectfully submitted,

Date: 25 October 02

By: 
Thomas M. Moga, Reg. No. 34,881
Attorney for the Applicants

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